

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
DOCKET NO. 3:11-CV-00580-FDW-DSC**

JENNIFER L. WILSON,

Plaintiff,

vs.

**SUNTRUST BANK, SUNTRUST
MORTGAGE, INC., RESIDENTIAL
FUNDING COMPANY, LLC, f/k/a
RESIDENTIAL FUNDING
CORPORATION, THE LAW FIRM OF
HUTCHENS, SENTER & BRITTON,
P.A., and DOES 1-10,**

Defendants.

ORDER OF DISMISSAL

THIS MATTER is before the Court upon a Motion for Summary Judgment by Hutchens, Senter, Kellam & Petit, P.A. f/k/a The Law Firm of Hutchens, Senter & Britton, P.A. (“Defendant HSKP”). (Doc. No. 68). For the reasons set forth below, this case is hereby **DISMISSED WITH PREJUDICE** and the Motion is hereby **DENIED AS MOOT**. Each party shall pay its own costs and fees.

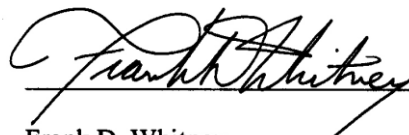
In its Motion, Defendant moves for summary judgment “as to Plaintiff’s remaining claim against HSKP,” in its Memorandum of Law in Support of [It’s] Motion for Summary Judgment, Defendant HSKP states that the question at issue is “[w]hether [it] is entitled to judgment as a matter of law on Plaintiff’s final remaining claim” and in its Memorandum of Law’s conclusion “requests that Plaintiff’s Amended Complaint be dismissed with prejudice in its entirety against HSKP.” (Doc. No. 69). Plaintiff Jennifer L. Wilson’s Response to Motion for Summary Judgment states that she “does not oppose dismissal of this action with prejudice,” and further


moves for dismissal with prejudice, and moves that each party pay its own costs and fees. (Doc. No. 70).

As Defendant HSKP's Memorandum of Law in Support of [It's] Motion for Summary Judgment seeks dismissal of this case with prejudice, and Plaintiff also seeks dismissal of this case with prejudice, it is very clear to the Court that both parties wish to have this case dismissed with prejudice. Furthermore, Defendant HSKP does not appear to be seeking fees and costs in its Motion for Summary Judgment. As such, the Court treats this situation as a stipulation by both parties to have the case dismissed with prejudice against Defendant HSKP. Accordingly, this case is hereby **DISMISSED WITH PREJUDICE** against Defendant HSKP, and Defendant HSKP's Motion for Summary Judgment is hereby **DENIED AS MOOT**.¹ Each party shall be responsible for its own fees and costs. Furthermore, as Defendant HSKP is the last named Defendant before the Court in this matter, the Clerk's Office is hereby directed to close the case.

IT IS SO ORDERED.

Signed: February 5, 2013


Frank D. Whitney
United States District Judge



¹ Accordingly, the hearing on Defendant HSKP's Motion for Summary Judgment scheduled for 10:00 A.M. on Friday, February 8, 2013, is hereby cancelled.